

SHERIFF'S ENTRY OF SERVICECivil Action No. 21-A-1552

Date Filed _____

Attorney's Address **Allen, Cody**
Morgan & Morgan
Morgan & Morgan
408 12th Street, Suite 200
Columbus, GEORGIA 31901-

Name and Address of Party to be Served.

Kohl's, Inc.2985 Gordy Parkway, 1st FloorMarietta, GEORGIA 30006Superior Court ☐State Court ☒Juvenile Court ☐Magistrate Court ☐Probate Court ☐Georgia, COBB COUNTYBailey, April Darline

Plaintiff

VS.

Kohl's, Inc.

Defendant

Garnishee

SHERIFF'S ENTRY OF SERVICE

PERSONAL

☐ I have this day served the defendant _____ personally with a copy of the within action and summons.

NOTORIOUS

I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of _____ described as follows: age, about _____ years; weight _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of defendant.

CORPORATION

Served the defendant Kohl's Inc. a corporation
☒ by leaving a copy of the within action and summons with Caprock Creations Network Inc. in charge of the office and place of doing business of said Corporation in the County.

CPD: Xiomara
 Xiomara

TACK & MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of the same in the United States Mail, first class in an envelope properly address to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

☐ Diligent search made and defendant not to be found in the jurisdiction of this court.

This 5 day of May, 20 21

H. Rodgers Deputy
CCSO 97091

DEFENDANT COPY

**STATE COURT OF COBB COUNTY
STATE OF GEORGIA**

CIVIL ACTION NUMBER 21-A-1552

\$248.00 COST PAID

Bailey, April Darline

PLAINTIFF

VS.

Kohl's, Inc.

DEFENDANT

SUMMONS

TO: KOHL'S, INC.

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Cody Allen
Morgan & Morgan
Morgan & Morgan
408 12th Street, Suite 200
Columbus, Georgia 31901**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 30th day of April, 2021.

Clerk of State Court



Robin C. Bishop

Robin C. Bishop, Clerk of State Court
Cobb County, Georgia

21-A-1552

APR 29, 2021 03:30 PM

Robin C. Bishop
Robin C. Bishop, Clerk of State Court
Cobb County, Georgia

IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

APRIL DARLINE BAILEY,

Plaintiff,

v.

KOHL'S, INC.

Defendant.

CIVIL ACTION FILE NO.:

JURY TRIAL DEMAND

COMPLAINT AND DEMAND FOR TRIAL BY JURY

COMES NOW Plaintiff, APRIL DARLINE BAILEY, and states her complaint against Defendants KHOL'S, INC. as follows:

PARTIES, JURISDICTION AND VENUE

1.

Plaintiff, April Darline Bailey is a citizen and resident of the State of Georgia.

2.

Defendant, Kohl's, Inc. ("Kohl's") is a Foreign Profit Corporation registered to do business within the State of Georgia. Defendant's registered agent Corporate Creations Network, Inc. is located at 2985 Gordy Parkway, 1st Floor, Marietta, Cobb County, Georgia 30006 and may be served with process at this address.

3.

On January 2, 2021 (the "date of incident"), Defendant Kohl's, owned, occupied, and/or operated a business on the property located at 1570 GA-20 W., McDonough, Henry County, Georgia 30253 (the "Premises").

4.

Venue is appropriate in this County and Court

FACTS

5.

On the date of incident, Plaintiff visited the Premises to purchase clothing at a Kohl's department store and, as such, was an invitee on the premises.

6.

While an invitee on the premises, Plaintiff encountered an unknown hazardous substance on the floor which caused her to fall to the floor.

7.

The slippery substance on the floor was a hazardous and unsafe condition on the Premises.

8.

Plaintiff suffered bodily injuries as a direct and proximate result of the fall on the Premises on the date of incident.

NEGLIGENCE

9.

Plaintiff was an invitee on the Premises on the date of incident.

10.

Defendants owned, maintained, and/or operated the Premises on the date of incident.

11.

Defendant owed Plaintiff a duty of maintaining the premises in a safe condition.

12.

Defendants' negligence was the direct and proximate cause of Plaintiff's injuries resulting from her fall on the Premises on the date of incident.

13.

At all relevant times, Defendants owned, maintained, and/or managed the Premises and owed a legal duty under O.C.G.A. § 51-3-1 of reasonable care to invitees to inspect and keep the Premises in safe condition and to warn Plaintiff of hidden dangers or defects that were not discoverable in the exercise of reasonable care.

14.

Defendants, by and through their employees and/or contractors, had actual knowledge of the hazardous condition presented by the slippery floor on the Premises prior to Plaintiff's fall.

15.

Defendants, by and through their employees and/or contractors, had constructive knowledge of the hazardous condition presented by the slick floor on the Premises prior to Plaintiff's fall.

16.

At all relevant times, Plaintiff had no knowledge of the unsafe and dangerous condition on the Premises and it was not discoverable by her in the exercise of reasonable care.

17.

At all relevant times, Plaintiff exercised reasonable care for her own safety.

18.

As a direct and proximate result of Defendants' negligence, Plaintiff has sustained:

- a. Serious injury as defined by the laws of the State of Georgia;
- b. General Damages, including, past, present and future mental and physical pain and suffering, disruption of normal life and diminution in the enjoyment of life;
- c. Past medical expenses in excess of \$10,000.00; and
- d. Other past, present and future medical expenses and special damages to be presented at the trial of this case.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays as follows:

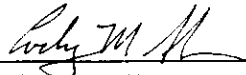
- a. That process and summons issue and served upon the Defendants according to law;
- b. That Plaintiff be awarded general damages against the Defendants in an amount to be determined by the enlightened conscience of a fair and impartial jury;
- c. That the Plaintiff be awarded special damages against the Defendants in an amount to be proven at trial, and other damages as shown at the trial of this case;
- d. That this case be tried before a jury of twelve; and

e. That the Plaintiff have other further relief as this Court deems appropriate.

Respectfully submitted this 29th day of April, 2021.

MORGAN & MORGAN ATLANTA, PLLC

408 12th Street, Suite 200
Columbus, Georgia 31901
T: (762) 240-9459
callen@forthepeople.com



Cody M. Allen
Georgia Bar No.: 998818
Attorney for Plaintiff

General Civil and Domestic Relations Case Filing Information Form

FILED IN OFFICE
CLERK OF STATE COURT
COBB COUNTY, GEORGIA

☐ Superior or ☒ State Court of Cobb County

21-A-1552

For Clerk Use Only

APR 29, 2021 03:30 PM

Date Filed 04-29-2021

Case Number 21-A-1552

MM-DD-YYYY

Robin C. Bishop

Robin C. Bishop, Clerk of State Court
Cobb County, Georgia

Plaintiff(s)

Bailey, April Darline

Last First Middle I. Suffix Prefix

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Defendant(s)

Kohl's, Inc.

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Plaintiff's Attorney Allen, Cody

Bar Number 998818

Self-Represented ☐

Check one case type and, if applicable, one sub-type in one box.

General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contract
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Garnishment
- ☒ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
 - ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
 - ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

MAY 05 2021